

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WEBROOT, INC., OPEN TEXT INC.,**  
***Plaintiffs,***

-v-

**CROWDSTIKE, INC.,  
CROWDSTRIKE HOLDINGS, INC.,  
Defendants.**



**6:22-cv-00243-ADA-DTG**  
**LEAD CASE**

**6:22-cv-00241-ADA-DTG**  
**MEMBER CASE**

## CLAIM CONSTRUCTION ORDER

Before the Court are the Parties’ claim construction briefs: Counter-Defendants Crowdstrike, Inc. and Crowdstrike Holdings, Inc.’s (“Defendants”) Opening and Reply briefs (ECF Nos. 196 and 239, respectively) and Counter-Plaintiffs Webroot, Inc. and Open Text Inc.’s (“Plaintiffs”) Response and Sur-Reply briefs (ECF Nos. 239 and 261, respectively). The Court provided preliminary constructions for the disputed terms one day before the hearing. The Court held the *Markman* hearing on May 3, 2023. ECF No. 291. During that hearing, the Court informed the Parties of the final constructions for the disputed terms. *Id.*

The Court issues this Order to memorialize the Court’s final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned’s claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

**SIGNED** this 3rd day of May, 2023

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", written over a horizontal line.

DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#1: "kernel-level security agent"</p> <p>U.S. Patent No. 9,043,903, Claims 21, 22, 25, and 27;</p> <p>U.S. Patent No. 9,904,784, Claims 1, 6, 15, and 17</p> <p>Proposed by Defendants</p>	<p>No construction necessary</p>	<p>"security software with kernel-mode components that operates on a host computing device as a virtual machine/shadow operating system"</p>	<p>Plain-and-ordinary meaning</p>
<p>#2: "kernel-mode event consumers"</p> <p>U.S. Patent No. 9,043,903, Claims 21, 25, and 27;</p> <p>U.S. Patent No. 9,904,784, Claim 15</p> <p>Proposed by Defendants</p>	<p>No construction necessary</p>	<p>"event consumers operating in kernel mode"</p>	<p>Plain-and-ordinary meaning</p>
<p>#3: "the communications module being implemented at the kernel-level"</p> <p>U.S. Patent No. 9,043,903, Claim 21</p> <p>Proposed by Defendants</p>	<p>No construction necessary</p>	<p>"the communications module operating in kernel mode"</p>	<p>Plain-and-ordinary meaning</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#4: "tracking attributes or behaviors of one or more objects or processes of the system in a model of the kernel-level security agent"</p> <p>U.S. Patent No. 9,043,903, Claim 22</p> <p>Proposed by Defendants</p>	<p>"tracking attributes or behaviors of one or more objects or processes of the computing device in a model of the kernel-level security agent"</p>	<p>Indefinite as to "model"; no construction necessary for the rest of the term</p>	<p>Not indefinite. "tracking attributes or behaviors of one or more objects or processes of the computing device in a model of the kernel-level security agent"</p>
<p>#5A: "model"</p> <p>U.S. Patent No. 9,043,903, Claims 22 and 27;</p> <p>U.S. Patent No. 9,904,784, Claim 9</p> <p>#5B: "situational model"</p> <p>U.S. Patent No. 9,904,784, Claims 1, 2, 3, 12, and 20</p> <p>Proposed by Defendants</p>	<p>No construction necessary</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning</p>